IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.5247 OF 2005

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGANATH NANALAL BAROT

Versus

VINODKUMAR KESHAVLAL BAROT & ORS.

Appearance:

1. Special Civil Application No. 5247 of 2005

MR. R.N. SHAH for Petitioner

M/S. GIRISH PATEL ASSOCIATES for Respondents

MR. MANOJ SHRIMALI for Respondents

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/05/2005

ORAL JUDGEMENT

1. Rule.

Mr.Manoj Shrimali, learned Advocate, appears and waives service of Rule on behalf of the respondents.

2. By way of this petition, the petitioner has

challenged the order dated 14th February, 2005 passed by the learned Civil Judge (S.D.), Dehgam below Application-Exh.83 in Regular Civil Suit No.241 of 2003.

3. Heard Mr.R.N.Shah, learned Advocate for the petitioner, and Mr.Manoj Shrimali, learned Advocate for the respondents.

4. Mr.Manoj Shrimali, learned Advocate for the respondents, submitted that in view of frequent transfer of the suit from one court to the another, the original documents could not be produced and the learned Advocates, appearing for the parties before the Court below, also could not inform the Court.

5. In view of the above discussion, the order dated 14th February, 2005 is quashed and set aside. It is directed that the original documents referred to in Exh.77/4 at Annexure-I and lying with the respondents, shall be produced before the trial Court within four weeks from the date of receipt of this order and on such documents being produced, the trial Court will exhibit the same. The trial Court is also directed to decide the suit on merits after exhibiting the documents produced by the respondents. Rule is made absolute to the aforesaid extent. No order as to costs.

[K.S.Jhaveri, J.]

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